

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HUNTINGTON INGALLS INCORPORATED

PLAINTIFF

VERSUS

CIVIL ACTION NO.
1:19-cv-00236-LG-RHW

OHT HAWK AS, OFFSHORE HEAVY
TRANSPORT AS,
SONGA SHIPMANAGEMENT LTD.,
and the M/V HAWK, her engines, tackle,
apparel, furniture, etc., in rem

DEFENDANTS

CONSOLIDATED WITH

In the Matter of OHT Hawk AS, Songa
Shipmanagement LTD., Songa
Crewmanagement LTD., and OHT
Management AS, as owner of the M/V Hawk
petitioning for Exoneration from or limitation
of liability

CIVIL ACTION NO.:
1:19cv671-HSO-JCG

**CLAIM OF PROPERTY UNDERWRITERS OF HUNTINGTON INGALLS
INDUSTRIES, INC.**

NOW COMES ACE AMERICAN INSURANCE COMPANY, THOSE INTERESTED
LONDON UNDERWRITERS, HAMILTON RE, STARR SURPLUS LINES INSURANCE
COMPANY, WESTPORT INSURANCE COMPANY, INTERSTATE FIRE AND
CASUALTY, LEXINGTON INSURANCE COMPANY, BERKSHIRE HATHAWAY
SPECIALTY INSURANCE, ZUIRCH AMERICAN INSURANCE COMPANY, and
ENDURANCE ASSURANCE CORPORATION (hereinafter collectively referred to as
“Claimants”) in the above captioned matter and make claim against OHT HAWK AS, SONGA
SHIPMANAGEMENT LTD., SONGA CREW MANAGEMENT LTD. and OHT
MANAGEMENT AG (“Petitioners-in-Limitation”), as follows:

1. At all times hereinafter mentioned, ACE AMERICAN INSURANCE COMPANY is U.S. insurance company organized under the laws of Pennsylvania.
2. At all times hereinafter mentioned, THOSE INTERESTED LONDON UNDERWRITERS are various insurance companies or other business entities organized and existing under and virtue of the laws of the United Kingdom.
3. At all times hereinafter mentioned, HAMILTON RE is an insurance company organized under the laws of Bermuda.
4. At all times hereinafter mentioned, STARR SURPLUS LINES INSURANCE COMPANY is an insurance company organized under the laws of Delaware.
5. At all times hereinafter mentioned, WESTPORT INSURANCE COMPANY is an insurance company organized under the laws of Missouri.
6. At all times hereinafter mentioned, INTERSTATE FIRE AND CASUALTY is an insurance company organized under the laws of Illinois.
7. At all times hereinafter mentioned, LEXINGTON INSURANCE COMPANY is an insurance company organized under the laws of Delaware.
8. At all times hereinafter mentioned, BERKSHIRE HATHAWAY SPECIALTY INSURANCE is an insurance company organized under the laws of Nebraska.
9. At all times hereinafter mentioned, ZURICH AMERICAN INSURANCE COMPANY is an insurance company organized under the laws of Illinois.

10. At all times hereinafter mentioned, ENDURANCE ASSURANCE CORPORATION is an insurance company organized under the laws of Delaware.
11. Claimants subscribed to certain insurance policies (ACE AMERICAN INSURANCE COMPANY subscribes to Policy No. GPA D3787906A, THOSE INTERESTED LONDON UNDERWRITERS subscribes to Policy Nos. BOWPN1900044 and BOWPN1900049, HAMILTON RE subscribes to Policy No. PX19-3875-01, STARR SURPLUS LINES INSURANCE COMPANY subscribes to Policy No. SLSTPTY11152319, WESTPORT INSURANCE COMPANY Subscribes to Policy No. NAP 0453675 07, INTERSTATE FIRE AND CASUALTY Subscribes to Policy No. RTX20011819, LEXINGTON INSURANCE COMPANY subscribes to Policy Nos. BOWPN19000048 / 8707241 and BOWPN19000048 / 8706868, BERKSHIRE HATHAWAY SPECIALTY INSURANCE Subscribes to Policy No. 47-PRI-302335-04, ZURICH AMERICAN INSURANCE COMPANY Subscribes to Policy No. TOP 4503363-08, and ENDURANCE ASSURANCE CORPORATION Subscribes to Policy No. ARR10008792200) which were, and now are, providing various kinds of property and marine insurance coverage for their assured, Huntington Ingalls Industries, Inc., and its associated and affiliated and interrelated and subsidiary companies.
12. At all times hereinafter mentioned, Claimants have a right of recovery against Petitioners-in-Limitation by virtue of their partial payment of ten million dollars (\$10,000,000.00) based upon a preliminary claim of twenty-five million dollars (\$25,000,000.00), as near can now be determined. If and when the claim is fully paid, Defendants will be subrogated to the rights of their assured, up to the amount paid to their

assured. Claimants and the assured are in discussions as to the exact quantum of this claim.

13. Claimants are responsible for 100% of the involved risk. Claimants share this risk with other insurers in differing percentages. ACE AMERICAN INSURANCE COMPANY Subscribing to Policy No. GPA D3787906A has twenty percent (20%) of the risk. THOSE INTERESTED LONDON UNDERWRITERS Subscribing to Policy No. BOWPN1900044 has three percent (3%) of the risk. THOSE INTERESTED LONDON UNDERWRITERS Subscribing to Policy No. BOWPN1900049 has five percent (5%) of the risk. HAMILTON RE Subscribing to Policy No. PX19-3875-01 has two percent (2%) of the risk. STARR SURPLUS LINES INSURANCE COMPANY Subscribing to Policy No. SLSTPTY11152319 has seven and a half percent (7.5%) of the risk. WESTPORT INSURANCE COMPANY Subscribing to Policy No. NAP 0453675 07 has four and a half percent (4.5%) of the risk. INTERSTATE FIRE AND CASUALTY Subscribing to Policy No. RTX20011819 has seven and a half percent (7.5%) of the risk. LEXINGTON INSURANCE COMPANY subscribing to Policy Nos. BOWPN19000048 / 8707241 has five percent (5%) of the risk. LEXINGTON INSURANCE COMPANY Subscribing to Policy No. BOWPN19000048 / 8706868 has twenty five percent (25%) of the risk. BERKSHIRE HATHAWAY SPECIALTY INSURANCE Subscribing to Policy No. 47-PRI-302335-04 has nine and a half percent (9.5%) of the risk. ZURICH AMERICAN INSURANCE COMPANY Subscribing to Policy No. TOP 4503363-08 has eight and a half percent (8.5%) of the risk. ENDURANCE ASSURANCE CORPORATION Subscribing to Policy No. ARR10008792200 has two and a half percent (2.5%) of the risk.

14. On or about March 29, 2019, a heavy lift vessel, known as Motor Vessel “Hawk,” which was laden with a floating drydock section to be offloaded and discharged at the Huntington Ingalls Shipyard.
15. While maneuvering into position for berthing, Motor Vessel “Hawk” struck Test Barge “3201-050”, which was moored alongside and in support of the United States Ship “Delbert D. Black” (DDG-119), a vessel being constructed for the United States Navy at Huntington Ingalls Shipyard in Pascagoula, Mississippi.
16. Upon information and belief, Motor Vessel “Hawk” struck not only Test Barge “3201-050”, but also the pier and United States Ship “Delbert D. Black” (DDG-119).
17. Upon information and belief, Test Barge “3201-050”, United States Ship “Delbert D. Black” (DDG-119), the pier and the drydock all sustained damage as a result of this incident. The categories of damages include: (a) physical loss or damage to the assured’s property; (b) extra expense arising from the delay in the delivery of the floating drydock; (c) extra expense arising from the disruption to the assured’s operations; (d) extra expense arising from work performed out of sequence and (e) extra expense for the rental of additional equipment.
18. Claimants respectfully submit that their assured has alleged that it has been damaged in the amount of twenty-five million dollars (\$25,000,000.00), as best as can now be determined.
19. Claimants respectfully submit this claim in order to protect the recovery rights of themselves and of their assured, Huntington Ingalls Industries, Inc., and its associated and

affiliated and interrelated and subsidiary companies, for any and all damages arising from the Motor Vessel “Hawk” striking Test Barge “3201-050”.

20. Claimants now submit this Claim against Petitioners-in-Limitation in the amount of twenty-five million dollars (\$25,000,000.00), plus interest and costs and attorney fees from March 29, 2019.

WHEREFORE, Claimants ACE AMERICAN INSURANCE COMPANY Subscribing to Policy No. GPA D3787906A, THOSE INTERESTED LONDON UNDERWRITERS Subscribing to Policy Nos. BOWPN1900044 and BOWPN1900049, HAMILTON RE Subscribing to Policy No. PX19-3875-01, STARR SURPLUS LINES INSURANCE COMPANY Subscribing to Policy No. SLSTPTY11152319, WESTPORT INSURANCE COMPANY Subscribing to Policy No. NAP 0453675 07, INTERSTATE FIRE AND CASUALTY Subscribing to Policy No. RTX20011819, LEXINGTON INSURANCE COMPANY subscribing to Policy Nos. BOWPN19000048 / 8707241 and BOWPN19000048 / 8706868, BERKSHIRE HATHAWAY SPECIALTY INSURANCE Subscribing to Policy No. 47-PRI-302335-04, ZURICH AMERICAN INSURANCE COMPANY Subscribing to Policy No. TOP 4503363-08, and ENDURANCE ASSURANCE CORPORATION Subscribing to Policy No. ARR10008792200 respectfully request that their Claim for Damages against Petitioners-in-Limitation OHT HAWK AS, SONGA SHIPMANAGEMENT LTD., SONGA CREW MANAGEMENT LTD. and OHT MANAGEMENT AG in the amount of Twenty Five million dollars (\$25,000,000.00) be granted, together with an award for attorneys’ fees, cost and such other and further relief that justice requires.

Respectfully submitted this 20th day of November 2019.

ACE AMERICAN INSURANCE COMPANY
Subscribing to Policy No. GPA D3787906A,
THOSE INTERESTED LONDON
UNDERWRITERS Subscribing to Policy Nos.
BOWPN1900044 and BOWPN1900049,
HAMILTON RE Subscribing to Policy No. PX19-
3875-01, STARR SURPLUS LINES INSURANCE
COMPANY Subscribing to Policy No.
SLSTPTY11152319, WESTPORT INSURANCE
COMPANY Subscribing to Policy No. NAP
0453675 07, INTERSTATE FIRE AND
CASUALTY Subscribing to Policy No.
RTX20011819, LEXINGTON INSURANCE
COMPANY subscribing to Policy Nos.
BOWPN19000048 / 8707241 and
BOWPN19000048 / 8706868, BERKSHIRE
HATHAWAY SPECIALTY INSURANCE
Subscribing to Policy No. 47-PRI-302335-04,
ZURICH AMERICAN INSURANCE COMPANY
Subscribing to Policy No. TOP 4503363-08, and
ENDURANCE ASSURANCE CORPORATION
Subscribing to Policy No. ARR10008792200 ,
Claimants/Defendants

WISE CARTER CHILD & CARAWAY, P.A.

Attorneys for Claimants/Defendants

By: /s/ James C. Simpson, Jr.
James C. Simpson, Jr.

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the above and foregoing instrument by causing a copy of same to be filed using the Court CM/ECF system, which forwarded notice to all counsel of record.

Respectfully submitted this the 20th day of November 2019.

By: /s/ James C. Simpson, Jr.
James C. Simpson, Jr. (MSB# 6810)

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